



MORGAN L. FITCH
FRANCIS A. EVEN*
JULIUS TABIN
JOHN F. FLANNERY
ROBERT B. JONES
JAMES J. SCHUMANN
JAMES J. HAMILL
TIMOTHY E. LEVSTIK
JOSEPH E. SHIPLEY
KENNETH H. SAMPLES
PHILIP T. PETTI
JOSEPH T. NABOR
STEVEN C. SCHROER
RICHARD A. KABA*
KARL R. FINK
MARK W. HETZLER
TIMOTHY P. MALONEY
JAMES P. KRUEGER
STEPHEN S. FAVAKEH
RICHARD E. WAWRZYNIAK
STEVEN G. PARMELEE
THOMAS F. LEBENS
BRUCE R. MANSFIELD
KENDREW H. COLTON*
G. PAUL EDGELL*
MICHAEL A. SANZO*
SCOTT A. MENGHINI
NORMAN N. KUNITZ*
RUDY KRATZ
RAMON R. HOCH*

FITCH, EVEN, TABIN & FLANNERY

ATTORNEYS AND COUNSELLORS AT LAW

Established in 1859

SUITE 401L - 1801 K STREET, NW
WASHINGTON, D.C. 20006-1201

TELEPHONE (202) 419-7000
FACSIMILE (202) 419-7007

ILLINOIS OFFICE

SUITE 1600 - 120 SOUTH LA SALLE STREET, CHICAGO, ILLINOIS 60603-3406
TELEPHONE (312) 577-7000

CALIFORNIA OFFICE

SUITE 250 - 9276 SCRANTON ROAD, SAN DIEGO, CA 92121-7708
TELEPHONE (858) 552-1311

COLORADO OFFICE

SUITE 213 - 1942 BROADWAY, BOULDER, COLORADO 80302
TELEPHONE (303) 402-6966

May 20, 2004

EDWARD E. CLAIR
JON A. BIRMINGHAM
JOHN E. LYHUS
STEVEN M. FREELAND
DONNA E. BECKER
MICHAEL G. VRANICAR
BRIAN S. CLISE
MARTIN R. BADER
DEREK L. PRESTIN
MARK A. BORSOS
DAVID R. JAGLOWSKI
TIMOTHY R. BAUMANN
JEFFREY A. CHELSTROM
NICHOLAS T. PETERS
KENNETH A. PLOCHINSKI
MEGAN J. REDMOND

PATENT AGENTS

ERIC J. WHITESELL
LILIA I. SAFONOV

OF COUNSEL

GEORGE W. SPELLMIRE, JR.
LISA M. SOMMER
GEORGE H. SPENCER, P.C.*

TECHNICAL ADVISOR

JOHN M. BRONK, Ph.D.

*ADMITTED TO D.C. BAR; D.C. PRACTICE OF
ALL OTHERS LIMITED TO FEDERAL COURTS
AND AGENCIES

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **MS Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Re: Response to Restriction Requirement
Appl. No.: 10/091,342
Filed: March 6, 2002
Title: **Process for the Preparation of L-Amino
Acids with Amplification of the zwf Gene**
Inventor(s): Burke, *et al.*
Our Ref: 7601/80250

Dear Sir:

The following documents are being forwarded for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Restriction Requirement; and
2. Return postcard.

Applicants do not believe that any fee is due for the filing of this document. However, the Commissioner is hereby authorized to charge any fee deficiency with respect to this filing and any other fee required in connection with the present case, or credit any overpayment, to our Deposit Account No. 06-1135 under Order No. 7601/80250.

Commissioner of Patents
May 20, 2004
Page 2

It is respectfully requested that the enclosed postcard be stamped with the date the enclosed documents are received by the PTO and that it be returned as soon as possible.

Very truly yours,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive, flowing style with a large, stylized initial "M".

Michael A. Sanzo
Reg. No. 36,912
Attorney for Applicants

MAS:ct
Enclosures



1652
IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Burke, *et al.*

Appl. No.: 10/091,342

Filed: March 6, 2002

For: **Process for the Preparation of L-Amino
Acids with Amplification of the zwf Gene**

Group Art Unit: 1652

Examiner: R. Prouty

Atty. Dkt. 7601/80250

Response to Restriction Requirement

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **MS Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In response to the Office Action dated May 4, 2004, in which the Examiner imposed a restriction requirement on the above-captioned application, Applicants hereby elect the inventions of restriction Group I. This includes claims 1-6, directed to a process of making L-amino acids using a coryneform bacteria in which the zwf gene is overexpressed and the poxB gene is attenuated. It is respectfully requested that the claims in the non-elected restriction groups, i.e., claims 7-16, be cancelled without prejudice.

This election is made without traverse.

Applicants do not believe that any fees, other than those that may be already provided for herewith, are required for the filing of the present document. Nevertheless, any additional fees that may be required may be charged to our Deposit Account No. 06-1135 under Order No. 7601/80250.

If the Examiner believes that a phone call may help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (202) 419-7013.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: _____

Michael A. Sanzo

Michael A. Sanzo

Reg. No. 36,912

Attorney for Applicants

Date: May 19, 2004
1801 K St., NW, Suite 401L
Washington, DC 20006
(202)419-7013